

### REMARKS

Claims 1-30 are currently pending in the patent application. The Examiner has rejected Claims 1, 4-8, 12, 15-16, 19-23, 27 and 30 under 35 USC 102(a) as being anticipated by the Emanuel article and has rejected Claims 2-3, 9-11, 13-14, 17-18, 24-26 and 28-29 under 35 USC 103 as unpatentable over the Emanuel article.

The present application teaches and claims a system and method for providing an online collaborative environment for a plurality of users at user information processing devices. The invention provides apparatus components and steps for creating an instance of an online meeting, the instance including creating a graphical display of the separate meeting phases and an agenda of the meeting's phases; making the online meeting instance available to a plurality of users each at a user information processing device; receiving input from at least one user; depicting participating users in respective meeting phases of the online meeting instance and depicting user input in a graphical representation including a set of objects for showing updated meeting information at said graphical display; and forwarding the graphical display to all participating users for display and user access at each

user information processing device and continually updating the graphical display. Support for amendment language is found, for example, on page 8, lines 23-26 and page 9, line 6 and line 9).

The Emanuel, et al article (hereinafter "Emanuel") provides an analysis of the capabilities of the then-existing online information services, CompuServe, America Online and Prodigy and of how those capabilities might be exploited for designing a system for conducting a distributed meeting. Emanuel makes it clear (see Appendix 3) that no existing service has all of the functions that Emanuel, et al deem desirable for a distributed meeting. Emanuel expressly "proposes additional functionality that would be required to fully support distributed meetings". Clearly Emanuel is not teaching or suggesting a system and method for providing an online collaborative environment, but is proposing that it would be desirable to invent such a thing using features of existing online information services. Citing the Emanuel article against the inventive system and method claimed by the present invention is tantamount to citing Jules Verne's early science fiction passages against inventions relating to the space shuttle.

The Examiner simply cannot sustain the rejections based on Emanuel's "wish list" of functions.

The Examiner concludes that Emanuel teaches "creating an instance of an online meeting, the instance including graphically displayed separates (sic) meeting phases" citing the last row of Appendix 3. The last row of Appendix 3 reads "Provide output in electronic or paper form to meeting attendees" which clearly does not anticipate creating a meeting instance including graphically displayed separate meeting phases, as is claimed. The last row of the first part of Appendix 3, which is found on page 221 but is not the last row of the Appendix, reads "The ability to share files during the meeting. Files include text, graphics, animation, audio, still pictures and video and sound files". Again the Emanuel desired function does not anticipate creating a meeting instance including graphically displayed separate meeting phases.

The Examiner further state that Emanuel teaches an instance including an agenda of the meeting phases, citing row 6-7 and 9 of Appendix 3. Applicants reiterate that Emanuel lists desired functions and correlates them to features of existing online information services, but does

recite actual capabilities of an online collaborative meeting system. The desired functions referred to in the cited rows include "obtain participant input into the meeting agenda" (row 6), "Develop the meeting agenda" (row 7) and "changing the meeting agenda during the meeting" (row 9). Emanuel neither teaches nor suggests an automatic system for creating a meeting instance and graphical display of the meeting instance, including the meeting phases and agenda. Emanuel expresses that it is required that a meeting facilitator determine and distribute a meeting agenda (page 214, right column) during a pre-meeting phase. Emanuel states that a facilitator can e-mail the agenda. Further, during the meeting, the facilitator must "change or update the meeting agenda if needed" (214, right column). However, Emanuel expressly teaches that online services are "not currently providing specific tools to support agenda building" (page 216, top of left column). Clearly, therefore, Emanuel is not teaching automatic creation of a meeting instance with meeting phases and an agenda.

The Examiner also concludes that Emanuel teaches making the online meeting instance available to a plurality of users, citing page 214 under "distributed meeting

activities". Emanuel teaches on page 214 that a meeting facilitator must "(3) provide access to modeling tools...(4) provide access to group process tools...(5) provide access to transcripts, minutes, and corporate (or on-line) data from prior meetings". Teachings that a human facilitator should provide access to information is not the same as or suggestive of making an online meeting instance available to a plurality of users. Again, Emanuel is enumerating desired features of an online meeting system, but is not teaching a system or method that exists. In fact, Emanuel expressly states that the human facilitator and meeting participants can send files in advance of the meeting (page 216, first full paragraph of left column). Emanuel further states (page 216, right column) that "[a]ccess to modeling tools...are (sic) not available through on-line services", "[t]here is capability to organize and consolidate data", "[n]o capability exists to automatically link documents" and "[t]hey would not be able to view the same file, simultaneously, online." Clearly, therefore, Emanuel is not teaching making an online meeting instance, as claimed, available to a plurality of users.

The Examiner concludes that Emanuel teaches receiving input from at least one user, citing row 6 of Appendix 3. The cited row reads "Obtain participant input into the meeting agenda" which Emanuel states is done by the meeting facilitator in advance of the meeting (page 214, right column), perhaps with participant input via e-mail message (see: page 215, right column). Moreover, Emanuel expressly states at the top of the left column on page 216 that current online systems are "not currently providing specific tools to support agenda building".

With regard to the claim feature of depicting participating users in respective meeting phases of said instance...", the Examiner cites page 217, left column. The cited passage states that the human facilitator will transfer a file of an updated file to all participants. Emanuel teaches that e-mail or available standard file transfer techniques be used for file transfer. Emanuel neither teaches nor suggests depicting users in meeting phases on a graphic display sent to all participating users. The cited passage from the bottom of 218 teaches that a facilitator "should be able to upload data bases that need to be shared...these data bases would be available to all meeting attendees." Emanuel is expressing

a wish that such a system would one day be available. Emanuel is not teaching or suggesting that the capability exists.

With regard to the claim recitation of forwarding a representation to all participating users", the Examiner again cited page 214 under "distributed meeting activities", which lists the meeting facilitator's duties. However, Emanuel expressly teaches that the facilitator uses e-mails or other file transfer capabilities to send copies to each participant. Such is not the same as or suggestive of creating the online instance, forwarding and updating a graphical display of the online instance for all participating users.

Anticipation under 35 USC 102 is established only when a single prior art reference discloses each and every element of a claimed invention. See: In re Schreiber, 128 F. 3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997); In re Paulsen, 30 F. 3d 1475, 1478-1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994); In re Spada, 911 F. 2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990) and RCA Corp. v. Applied Digital Data Sys., Inc., 730 F. 2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). "To anticipate, every element and limitation of the claimed invention must be found in a

single prior art reference, arranged as in the claim. Karsten Mfg. Corp. V. Cleveland Golf Co., 242 F. 3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); Scripps Clinic & Research Foundation v. Genentech, Inc.. 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991). Since the Emanuel article does not teach the claim features of creating an online meeting instance, including a graphical display of the meeting phases and agenda, depicting participating users and user input in the graphical display, and forwarding and updating the graphical display, it cannot be concluded that Emanuel anticipates the independent claims. Further, a reference which does not teach all of the limitations of the independent claims cannot be said to anticipate the language of the dependent claims which depend therefrom and add further limitations thereto. Accordingly, Emanuel does not anticipate Claims 1, 4-8, 12, 15-16, 19-23, 27 and 30.

The remaining claims have been rejected as unpatentable over Emanuel. Applicants rely on the arguments set forth above with respect to the teachings of the Emanuel reference. Applicants reiterate that Emanuel's "wish list" does not teach or suggest claim features. For a determination of obviousness, the prior art must



teach or suggest all of the claim limitations. "All words in a claim must be considered in judging the patentability of that claim against the prior art" (In re Wilson, 424 F. 2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). If the cited references fail to teach each and every one of the claim limitations, a *prima facie* case of obviousness has not been established by the Examiner. Since the Emanuel article does not teach or suggest the claim features of the independent claims, it cannot be concluded that the dependent claims, Clams 2-3, 9-11, 13-14, 17-18, 24-26 and 28-29 are obviated by Emanuel.

Based on the foregoing amendments and remarks, Applicants request withdrawal of the rejections, and issuance of the claims.

Respectfully submitted,

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